

JUN. 14. 2004 5:40PM

PABST PATENT GROUP

RECEIVED
CENTRAL FAX CENTER

NO. 0468 P. 1

PABST PATENT GROUP



JUN 14 2004
OFFICIAL

Pabst Patent Group LLP
400 Colony Square, Suite 1200
1201 Peachtree Street
Atlanta, GA 30361

Telephone (404) 879-2150
Telefax (404) 879-2160

information@pabstpatent.com
www.pabstpatent.com

TELEFAX

Date: June 14, 2004

Total pages: 21 (including fax
cover sheet)

To: USPTO

Telephone:

Telefax: 703-872-9306

From: Rivka Monheit

Telephone: 404-879-2152

Telefax: 404-879-2160

Our Docket No. FTI 126
Your Docket No.

Client/Matter No. 077637/00017

Please call (404) 879-2150 if you did not receive all of the pages, or if they are illegible.

CONFIDENTIALITY NOTICE: This facsimile, along with any documents, files, or attachments, may contain information that is confidential, privileged, or otherwise exempt from disclosure. If you are not the intended recipient or a person responsible for delivering it to the intended recipient, you are hereby notified that any disclosure, copying, printing, distribution or use of any information contained in or attached to this facsimile is strictly prohibited. If you have received this facsimile in error, please immediately notify us by facsimile or by telephone collect at the numbers stated above, and destroy the original facsimile and its attachments without reading, printing, or saving in any manner. Your cooperation is appreciated. Thank you.

MESSAGE:

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Arthur J. Coury, Stephen D. Goodrich, Hildegard M. Kramer, Luis Z. Avila,
John F. Traverse and Peter K. Jarrett

Serial No.: 09/658,390

Art Unit: 1617

Filed: September 8, 2000

Examiner: S. Wang

For: HYDROGELS FOR ORTHOPEDIC REPAIR

(45048308.1)

PTO/SB/17 (10-03)

Approved for use through 07/31/2008. OMB 0851-0032

U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

FEE TRANSMITTAL for FY 2004

Effective 10/01/2003. Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$ 880.00)

Complete if Known

| | |
|----------------------|-----------------|
| Application Number | 09/658,390 |
| Filing Date | 09/08/2000 |
| First Named Inventor | Arthur J. Coury |
| Examiner Name | Shengjun Wang |
| Art Unit | 1617 |
| Attorney Docket No. | FTI126 |

METHOD OF PAYMENT (check all that apply)

☐ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None
☒ Deposit Account:
 Deposit
Account
Number
Deposit
Account
Name

50-3129

Pabst Patent Group LLP

The Director is authorized to: (check all that apply)

☐ Charge fee(s) indicated below ☒ Credit any overpayments☒ Charge any additional fee(s) or any underpayment of fee(s)☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

FEE CALCULATION

1. BASIC FILING FEE

| Large Entity | | Small Entity | | Fee Description | Fee Paid |
|-------------------|---------------|---------------|---------------|------------------------|----------|
| Fee Code (\$) | Fee Code (\$) | Fee Code (\$) | Fee Code (\$) | | |
| 1001 770 | 2001 385 | | | Utility filing fee | |
| 1002 340 | 2002 170 | | | Design filing fee | |
| 1003 530 | 2003 265 | | | Plant filing fee | |
| 1004 770 | 2004 385 | | | Reissue filing fee | |
| 1005 160 | 2005 80 | | | Provisional filing fee | |
| SUBTOTAL (1) (\$) | | | | | |

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

| Large Entity | | Small Entity | | Fee Description | Fee Paid |
|-------------------|---------------|---------------|---------------|--|----------|
| Fee Code (\$) | Fee Code (\$) | Fee Code (\$) | Fee Code (\$) | | |
| 1202 18 | 2202 9 | | | Claims in excess of 20 | |
| 1201 86 | 2201 43 | | | Independent claims in excess of 3 | |
| 1203 290 | 2203 145 | | | Multiple dependent claim, if not paid | |
| 1204 86 | 2204 43 | | | ** Reissue independent claims over original patent | |
| 1205 18 | 2205 9 | | | ** Reissue claims in excess of 20 and over original patent | |
| SUBTOTAL (2) (\$) | | | | | |

*or number previously paid, if greater; For Reissues, see above

3. ADDITIONAL FEES

Large Entity - Small Entity

| Large Entity | | Small Entity | | Fee Description | Fee Paid |
|---------------|---------------|---------------|---------------|--|----------|
| Fee Code (\$) | Fee Code (\$) | Fee Code (\$) | Fee Code (\$) | | |
| 1051 130 | 2051 65 | | | Surcharge - late filing fee or oath | |
| 1052 50 | 2052 25 | | | Surcharge - late provisional filing fee or cover sheet | |
| 1053 130 | 2053 130 | | | Non-English specification | |
| 1812 2,620 | 2812 2,620 | | | For filing a request for ex parte reexamination | |
| 1804 920* | 2804 920* | | | Requesting publication of SIR prior to Examiner action | |
| 1805 1,840* | 2805 1,840* | | | Requesting publication of SIR after Examiner action | |
| 1251 110 | 2251 55 | | | Extension for reply within first month | 110.00 |
| 1252 420 | 2252 210 | | | Extension for reply within second month | |
| 1253 950 | 2253 475 | | | Extension for reply within third month | |
| 1254 1,480 | 2254 740 | | | Extension for reply within fourth month | |
| 1255 2,010 | 2255 1,005 | | | Extension for reply within fifth month | |
| 1401 330 | 2401 165 | | | Notice of Appeal | |
| 1402 330 | 2402 165 | | | Filing a brief in support of an appeal | |
| 1403 290 | 2403 145 | | | Request for oral hearing | |
| 1451 1,510 | 2451 1,510 | | | Petition to Institute a public use proceeding | |
| 1452 110 | 2452 55 | | | Petition to revive - unavoidable | |
| 1453 1,330 | 2453 665 | | | Petition to revive - unintentional | |
| 1501 1,330 | 2501 665 | | | Utility Issue fee (or reissue) | |
| 1502 480 | 2502 240 | | | Design Issue fee | |
| 1503 640 | 2503 320 | | | Plant issue fee | |
| 1460 130 | 2460 130 | | | Petitions to the Commissioner | |
| 1807 50 | 2807 50 | | | Processing fee under 37 CFR 1.17(q) | |
| 1808 180 | 2808 180 | | | Submission of Information Disclosure Stmt | |
| 8021 40 | 28021 40 | | | Recording each patent assignment per property (times number of properties) | |
| 1809 770 | 2809 385 | | | Filing a submission after final rejection (37 CFR 1.129(a)) | |
| 1810 770 | 2810 385 | | | For each additional invention to be examined (37 CFR 1.129(b)) | |
| 1801 770 | 2801 385 | | | Request for Continued Examination (RCE) | 770.00 |
| 1802 900 | 2802 900 | | | Request for expedited examination of a design application | |

Other fee (specify)

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$ 880.00)

SUBMITTED BY

(Complete if applicable)

| | | | | | |
|-------------------|-------------------------|-----------------------------------|---------------|-----------|----------------|
| Name (Print/Type) | Rivka D. Monheit | Registration No. (Attorney/Agent) | 48,731 | Telephone | (404) 879-2152 |
| Signature | <i>Rivka D. Monheit</i> | Date | June 14, 2004 | | |

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing this form, call 1-800-PTO-6488 and select option 3.

PTO/SB/21 (08-03)

Approved for use through 07/31/2006, OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

| | | | |
|---|----------------------|------------------------|---------|
| TRANSMITTAL FORM (to be used for all correspondence after initial filing) | Application Number | 09/658,390 | |
| | Filing Date | 09/08/2000 | |
| | First Named Inventor | Arthur J. Coury | |
| | Art Unit | 1617 | |
| | Examiner Name | Shengjun Wang | |
| Total Number of Pages in This Submission | 20 | Attorney Docket Number | FTI 126 |

| ENCLOSURES (Check all that apply) | | |
|--|--|--|
| <input checked="" type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment/Reply <input checked="" type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input checked="" type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/ Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53 | <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ | <input type="checkbox"/> After Allowance communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please Identify below): Request for Continued Examination |
| Remarks | | |
| SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT | | |
| Firm or Individual name | Rivka D. Monheit, Esq., Reg. No. 48,731 Pabst Patent Group LLP 400 Colony Square, Suite 1200, Atlanta, GA 30361 | |
| Signature | <i>Rivka D. Monheit</i> | |
| Date | June 14, 2004 | |

| CERTIFICATE OF TRANSMISSION/MAILING | | |
|---|-----------------------|--------------------|
| I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below. | | |
| Typed or printed name | Hershey Miller | |
| Signature | <i>Hershey Miller</i> | Date June 14, 2004 |

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

PTO/SB/30 (08-03)

Approved for use through 07/31/2006. OMB 0851-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Request For Continued Examination (RCE) Transmittal

Address to:
Mail Stop RCE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

| | |
|------------------------|-----------------|
| Application Number | 09/658,390 |
| Filing Date | 09/08/2000 |
| First Named Inventor | Arthur J. Coury |
| Art Unit | 1617 |
| Examiner Name | S. Wang |
| Attorney Docket Number | FTI 126 |

This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application. Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. See Instruction Sheet for RCEs (not to be submitted to the USPTO) on page 2.

1. **Submission required under 37 CFR 1.114** Note: If the RCE is proper, any previously filed unentered amendments and amendments enclosed with the RCE will be entered in the order in which they were filed unless applicant instructs otherwise. If applicant does not wish to have any previously filed unentered amendment(s) entered, applicant must request non-entry of such amendment(s).

- a. ☐ Previously submitted. If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked.

- i. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on _____
ii. ☐ Other _____

- b. ☒ Enclosed

- i. ☒ Amendment/Reply
ii. ☐ Affidavit(s)/Declaration(s)
iii. ☐ Information Disclosure Statement (IDS)
iv. ☐ Other _____

2. Miscellaneous

- a. ☐ Suspension of action on the above-identified application is requested under 37 CFR 1.103(c) for a period of _____ months. (Period of suspension shall not exceed 3 months; Fee under 37 CFR 1.17(i) required)
b. ☐ Other _____

3. Fees

- The RCE fee under 37 CFR 1.17(e) is required by 37 CFR 1.114 when the RCE is filed. The Director is hereby authorized to charge the following fees, or credit any overpayments, to Deposit Account No. 60-3129

- i. ☒ RCE fee required under 37 CFR 1.17(e)
ii. ☒ Extension of time fee (37 CFR 1.136 and 1.17)
iii. ☐ Other _____
b. ☐ Check in the amount of \$ _____ enclosed
c. ☐ Payment by credit card (Form PTO-2038 enclosed)

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

| | | | |
|-------------------|-------------------------|-----------------------------------|---------------|
| Name (Print/Type) | Rivka D. Monheit | Registration No. (Attorney/Agent) | 48,731 |
| Signature | <i>Rivka D. Monheit</i> | Date | June 14, 2004 |

CERTIFICATE OF MAILING OR TRANSMISSION

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 or facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below.

| | | | |
|-------------------|-----------------------|------|---------------|
| Name (Print/Type) | Hershey Miller | Date | June 14, 2004 |
| Signature | <i>Hershey Miller</i> | | |

This collection of information is required by 37 CFR 1.114. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

**RESPONSE UNDER 37 C.F.R. § 1.116
EXPEDITED PROSECUTION
ART UNIT 1617**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Arthur J. Coury, Stephen D. Goodrich, Hildegard M. Kramer, Luis Z. Avila, John F. Traverse, and Peter K. Jarrett

Serial No.: 09/658,390

Art Unit: 1617

RECEIVED
CENTRAL FAX CENTER

Filed: September 8, 2000

Examiner: S. Wang

JUN 14 2004

For: *HYDROGELS FOR ORTHOPEDIC REPAIR*

OFFICIAL

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

AMENDMENT AND RESPONSE TO OFFICE ACTION

Sir:

Responsive to the Office Action mailed on February 11, 2004, please consider the following amendment. Submitted with this Amendment and Response is a Request for Continued Examination (RCE) and a one-month extension of time, to extend the period for response one-month, to and including June 11, 2004. The Commissioner is hereby authorized to charge \$ 880, the fee for a one-month extension of time and a Request for Continued Examination, to Deposit Account No. 50-3129. It is believed that no additional fee is required

U.S.S.N. 09/658,390

Filed: September 8, 2000

RESPONSE TO OFFICE ACTION

with this submission. However, should an additional fee be required, the Commissioner is hereby authorized to charge the fee to Deposit Account No. 50-3129.